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March 19, 2012

Robert Lopez, Reporter
Los Angeles Times
202 W. 1st Street
Los Angeles, CA 90012

Dear Mr. Lopez:

The City Council has designated the City of Los Angeles as a "hybrid entity" under the Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 due to the Department's status as a health care provider. As a hybrid entity, the Department must comply with HIPAA and is only permitted to release Protected Health Information (PHI) for the purposes of treatment, billing, and operations under the HIPAA Privacy Rule without the patient's permission. In 2009, the President approved additional Federal legislation that increased civil and criminal penalties for the unauthorized disclosure of PHI.

The Department is currently seeking written advice from the City Attorney relative to the release of incident specific PHI to a variety of internal and external sources including elected officials, commissions, the media, and associated stakeholders.

The City Attorney has preliminarily opined that the Department should immediately cease the practice of releasing PHI to any source not specifically authorized under the Privacy Rule's treatment, billing, and operations exemption. I realize that this practice will significantly impact the manner in which the Department provides updates and notifications to a wide variety of stakeholders. As the Department receives additional written advice from the City Attorney regarding specific issues, I will ensure that this information and the Department's procedures will be forwarded to your offices.

Sincerely,

BRIAN L. CUMMINGS
Fire Chief